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AN INVENTORY OF GOVERNMENT AND PARA-STATAL AGENCIES ACTIVE IN THE FIELD OF INTERNATIONAL HUMAN RIGHTS

David Gillies, PhD

Ottawa, December 1997

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Prepared for the Office of the Minister of Foreign Affairs and The Canadian Centre for Foreign Policy Development

By

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EXECUTIVE SUMMARY

Context. Canada has a credible record as an international human rights advocate. And over the last decade a large body of principles and practices have emerged to guide the Government's actions. However the diversity and complexity of Canada's human rights responsibilities now implicate a growing range of government, para-statal and non-state actors. Moreover, the scope of international human rights has broadened and the issue now spills over into other aspects of Canada's international relations, such as trade and global labour standards or peace and security issues in complex humanitarian emergencies.

These trends have resulted in numerous government departments and para-statal agencies with some responsibilities to address international human rights. However, few of these agencies have articulated a comprehensive vision of how their international activities promote and protect human rights or advance domestic mandates.

The coherence of the Government's human rights policies may be undermined by the proliferation of government activity, insufficient coordination or knowledge-sharing, and potential inconsistencies between what we say and do abroad and our human rights performance at home. It is imperative that each government structure understand how its activities fit into a larger vision and architecture of Canada's global human rights policy. In the absence of this overarching vision, the various strands of Canadian activity may grow without guidance or direction.

Purpose. This inventory is a preliminary survey of some of the Canadian government and publicly-funded institutions active in the field of international human rights. The inventory draws out comparisons and contrasts in the way twelve institutions are involved in this issue-area, define the scope of international human rights, and collaborate with other government institutions. The inventory also examines whether the institutions surveyed have a strategic plan to strengthen their international human rights activities.

Methodology. Structured interviews were the primary vehicle to gather data for this inventory. The interviews were based on a standard questionnaire. Where respondents agreed, interviews were taped to ensure accuracy. Wherever feasible, I have also drawn on in-house reports and project description or databases.

Findings. At the risk of generalizing from a small sample of institutions, several themes recur. First, there has been a noticeable, and in some cases rapid, growth in institutional responsibilities related to international human rights. The work load based on this growing demand is as significant for departments that primarily focus on knowledge and policy development (DIAND, HRDC at the ILO, Heritage and Justice for UN reporting) as it is for institutions that deliver or manage services abroad (Elections Canada, Justice, CHRC, ICHRDD). CIDA, which accounts for the lion's share of human rights, democracy and governance programming, is the clearest example of this growth. However, in an era of fiscal restraint and public sector downsizing, growing demand and workloads means significant capacity and supply constraints.

Second, several institutions that deliver programme abroad (Elections Canada, CHRC, Justice) have brokered financial arrangements or more formal protocols with CIDA. However, they all report some degree of dissatisfaction with current financial and knowledge-sharing arrangements. This is most marked with CHRC which faces a significant lack of human resources, few prospects for cost-recovery initiatives, and little formal coordination with DFAIT or CIDA in terms of strategic planning or long range Canadian foreign policy objectives. Elections Canada's "protocol" with DFAIT and CIDA is a promising model to ensure core funding and predictable roles and responsibilities. However, the protocol has been inoperative due to a clash between professional (merit) and political considerations. At least one para-statal agency, ICHRDD, has not been successful in accessing additional funding as an implementing agency for CIDA. None of the institutions surveyed enjoys the apparently unique international mandate and funding arrangement brokered by the RCMP with Treasury Board.

Third, only two of the agencies described have an explicit mandate to engage international human rights issues. These are ICHRDD and HRDC (for labour standards issues). Among those institutions without a legislated mandate, CHRC appears not to be significantly constrained by the absence of an explicit legislated mandate. However this situation prevents CHRC from building international programming activities into its annual budget requests. And a senior official at Elections Canada regards this lack of legislative clarity as a significant obstacle to securing predictable core funding.

Several other government departments have human rights issues on the margins of their mandates. DND is one such institution. While human rights are not part of the core mission of DND, the evolving nature of peacekeeping into second-generation missions calling for non-traditional and non-military competencies, means that human rights are now, in principle, part of the peacekeeping equation. In theory, DND could play a useful "support role" in human rights monitoring and to some degree in early warning. In practice DND is not likely to initiate such a role on a more systematic and organization-wide basis; it would need to be instructed to do so as part of an overall Government approach to peacebuilding.

Fourth, there are some formal structures for coordination among those agencies required to report on Canada's implementation of international human rights agreements. There are also familiar tensions between institutions that are primarily operational, such as CIDA and DND, and those that are more knowledge and policy-driven, such as DFAIT. CIDA and DFAIT's relationship on peacebuilding is illustrative in this regard. While both agencies have joint responsibilitiy for the Canadian Peacebuilding Initiative in shaping conceptual and policy directions, CIDA is responsible for the management of the Peacebuilding Fund. The Foreign Affairs Minister has to approve broad "conceptual" directions for the use of the fund, but CIDA negotiates individual project designs, quality and budget controls and evalutions according to results-based criteria that necessarily differ from those of longer-term development interventions. This agreement to functionally separate the management of the Peacebuilding Fund from joint CIDA/DFAIT responsibility for the Peacebuilding Initiative underscores the limits of inter-agency coordination on cross-cutting issues, such as human rights or peacebuilding. Neveretheless, there is an interest in better knowledge sharing and coordination (among HRDC & DFAIT and between Justice & CIDA for example). This is a trend to be welcomed and supported.

Fifth, while some mainline departments, such as HRDC and some publicly-funded agencies, such as ICHRDD and the Pearson Peacekeeping Centre, have made conscious efforts to integrate human rights into other foreign policy issues, such as labour standards, democratic development or peaceckeeping, others such as Elections Canada, DND and Justice recognize the contextual importance of human rights but remain quite narrowly focussed on the technical aspects of election administration or legal assistance. None of these institutions has made human rights a significant pillar of their technical assistance or training with judiciaries or through voter education programs. Knowledge-based institutions, such as IDRC, appear to have missed an opportunity to develop research agendas on international human rights as a cross-cutting theme influencing good governance and development outcomes.

Conclusion. The report of a blue-chip task force chaired by Maurice Strong ***(Connecting With the World)*** underlined that knowledge partnerships and the soft power of technical skills may prove to be Canada's most marketable asset in the international cooperation arrangements of the 21st century. The Report singled out human rights, democracy, and good governance as an issue-area of comparative Canadian advantage. Unquestionably, publicly funded agencies, such as Elections Canada, are world leaders in technical excellence. Other such as CHRC, Justice and IDRC could also play a prominent part in technical assistance, institution building or knowledge brokering. However, the signs are that these institutions are still feeling their way in relatively uncharted territory and have yet to fulfill their promise. Resource constraints are an important part of the explanation. But the absence of an overarching global human rights strategy articulated by a clear lead agency may also be a constraint.

International human rights are a cross-cutting theme in modern Canadian government. Rights are the quintessential global social policy issue blurring the distinctions between the domestic and international face of government. But as the reach of international human rights spreads across government, so the management of this vital dossier becomes more decentralized and vulnerable to incoherence or drift.

Recommendation. The portfolio Minister of Foreign Affairs has an opportunity to achieve a common vision of Canadian objectives in this field by convening a national Round Table of the relevant federal (and possibly provincial) government and para-statal structures. The purpose of the Round Table will be to examine policy coherence and coordination, information sharing, long range thematic or country priorities, and financial and human resource arrangements to enhance the capacities of government or publicly-funded agencies to promote international human rights.

HUMAN RESOURCES DEVELOPMENT CANADA

Organizational Mission. Prior to the amalgamation of 1993, Labour Canada was a separate entity responsible for some aspects of Canada's international labour standards and labour market policies, notably at the ILO. While there is no legislated mandate for HRDC to engage international human rights activities, in practice, the development of international labour standards and their implementation in a domestic context has always been part of the mission of the former Labour Canada and continues to be so in HRDC. Much of this work is managed by the Strategic Policy and Partnerships Branch.

HRDC is the primary government agency representing Canada at the International Labour Organization (ILO). The ILO was established in 1919 under the Treaty of Versailles and in 1946, it became the first Specialized Agency of the United Nations. Canada has been a member of the ILO since its inception.

HRDC has the primary responsibility for coordinating the development of Canadian policies and positions at the ILO, for example, in the development of a new Declaration on Child Labour. HRDC has also taken the lead in reporting back to the ILO on Canada's compliance with and implementation of the international labour standards instruments to which Canada is signatory.

The department is concerned with labour standards issues in the context of growing domestic and international debates on the impact of competitive pressures on workers' rights and wages. It is also drawn into policy dialogues on the place of labour standards in multilateral trade arrangements. The debate on these issues has been prompted by human rights and labour representatives concerned by the adverse effects of global competition and freer trade on employment standards. These interests argue that "core labour standards" are in fact human rights which require vigorous national and international protection.

Scope of International Human Rights. HRDC's operational definition of the term "international human rights" largely follows the evolution of ILO thinking and norms. The core ILO labour standards to which Canada subscribes are:

freedom of association
the right to collective bargaining
the prohibition of child labour exploitation
the prohibition of forced labour
the elimination of discrimination in employment

However, Canada still has not ratified several key labour ILO conventions, notably 138 (Minimum Age for Child Labour), and 155 (Health and Safety). Labour standards issues are increasingly being discussed as human rights issues in the ILO, including by Canada. Consensus on an ILO-led way forward in the debate on labour standards and social clauses will depend on whether these issues turn fundamentally on trade or human rights considerations, and conversely on whether

child labour or union rights are fundamentally labour standards or human rights issues.

While the ILO conventions and constitution is the principal body of jurisprudence to which HRDC must refer, there is in practice considerable overlap between the development and implementation of these core labour standards and international human rights law. For example, the Committee of Experts (independent jurists who monitoring compliance with ILO conventions and principles of the constitution), does take into consideration information collected by UN human rights special rapporteurs and other UN monitoring mechanisms.

Other International Activities. HRDC is also tracking, although appears not to be directly engaged in activities such as the DFAIT initiative to provide matching funds to companies willing to develop codes of conduct and the Industry Canada investigations on codes of conduct. In the view of HRDC staff, one issue here is to strike a balance between sectoral codes of conduct that while protecting some groups (children for example) do not protect others and comprehensive codes which stifle implementation by being too ambitious.

HRDC could play a potentially useful role engaging the private sector to develop better monitoring and implementation systems. Recent surveys of Canadian company practices suggest that the vast majority of Canada's largest international firms do not have or were unwilling to talk about international codes of conduct. And of those that do, few have emphasized rigorous workplace promotion and the independent monitoring of codes. (Craig Forcese, "Commerce With Conscience: Human Rights Codes of Conduct" ICHRDD, 1997).

Two other examples of HRDC activities are the ILO Questionnaire on Child Labour, which HRDC has disseminated for responses to Canadian civil society organizations, and the HRDC participation in the discussion on child labour at the San Diego meeting of the North American Agreement on Labour Cooperation (NAALC). The primary consideration in the context of NAALC is that while the trilateral discussion will serve to define issues and stakeholders roles and responsibilities, enforcement of any child labour safeguards or best practices will be on a national basis and in accordance with domestic labour legislation. Hence, there is little or no scope for "harmonization upwards" in terms of common standards of achievement. Despite this serious constraint to progress, it is hoped that a national work plan and common set of recommendations will emerge from this NAALC process. A second tripartite conference on child labour will be held in Ottawa in October 1997.

At the ILO, HRDC is engaged in discussions on three proposals emerging from the 1996 Director's Report. The most important of these is a proposed ILO Declaration of "core principles" derived from and common to all ILO conventions. This Declaration will be separate from the ILO constitution. It will articulate the core labour standards and develop a monitoring and promotional mechanism that will allow monitoring of the implementation of these principles. The Director General is preparing a Draft Declaration for discussion in November 1997. The significance of such a Declaration, which the Government of Canada supports, is that it will require ILO member states to respect its principles whether or not they ratify conventions.

The Director General's 1996 report also proposed a "social progress" monitoring capacity. This upgraded ILO research function could develop social indicators that track the extent to which countries are able to widely disseminate the wealth that is generated. A third proposal is to develop an ILO role in social labelling. However, the G77 countries opposed these latter two proposals due to a perception that they represented covert ways to re-introduce a trade/labour standards linkage.

Coordination. In the light of this emerging practical overlap at the ILO between human rights and labour standards, officials at HRDC are now developing ways to reinforce collaboration with DFAIT on topics that impinge on labour standards, and to share information and reinforce approaches and messages on the linkage of human rights and labour standards. What is being proposed is a formal structure for information flows and the development of mutually consistent policy positions at the ILO and UNCHR.

However anecdotal evidence suggests that some in HRDC may have concerns over the "sudden interest" of DFAIT in the ILO now that there are signs that it is being modernized and has the potential to be the lead multilateral organization on labour standards.

Former HRDC Minister Robillard appears to have first proposed the idea that Canada contribute to the IPEC programme, which was initiated by German funding. HRDC has contributed CAD400,000 in Canada's CAD700,000 contribution, which was announced by the Minister of Foreign Affairs in February 1996. The funds are sponsoring a series of "lessons learned" studies on the best national practices in the reduction or child labour in six developing countries. (There may be potential to disseminate these results in a package addressing corporate social responsibility either in Canada, or possibly linked to a bilateral trade event). Preliminary results will be presented at the Oslo meeting in October 1997 and a final report is expected in June 1998. HRDC staff have not thus far developed a dissemination strategy.

Finally, HRDC is collaborating with CIDA and the multilateral development banks in a cost-recovery-driven advisory service to assist developing countries strengthen their labour market structures. There is an untapped potential here to include a dimension in the TA package that would adapt or promote best labour standards practices in national settings.

Strategic Directions. Officials at HRDC recognize that the ILO has sometimes been seen by human rights and labour interests as a weak, almost useless, mechanism to promote and defend worker's rights. However, recent trends demonstrate growing momentum to modernize and reinvigorate the ILO, which has the potential to emerge as the key multilateral institution to monitor core labour standards in the wider context of securing a social dimension to globalization. HRDC's work at ILO is designed to ensure that the ILO can persuade countries to respect such "enabling conditions" for workers, particularly the freedom of association conventions, as one way to ensure that workers can empower themselves to gain access to wealth that is being generated.

THE DEPARTMENT OF JUSTICE

Context. Canada has a comparative advantage in Legal Technical Assistance (LTA) for international human rights. It is a bilingual, bijuridical country with a written constitution, a bill of rights, and both provincial and national human rights commissions. Canada's federal structure highlights legal mechanisms to ensure dialogue, compromise, negotiation and the art of balancing competing claims. These characteristics extend Canada's reach and attractiveness as a partner to a very wide range of states where common law or civil law traditions prevail and where English or French is the language of governance. Moreover, the collapse of communism, the acceleration of regional and global trade arrangements, and the momentum for democratic transitions in many parts of the South, has quickened the pace of demands on Canada to assist in legal reforms, the training of judges and building or reforming institutions of democratic governance.

As one of the leaders in the Canadian legal system, the Department of Justice (DOJ) is a natural focus point for such requests. DOJ has a legal and technical assistance (LTA) programme that is responsible for designing and executing projects in developing countries and transitional economies, such as in Eastern and Central Europe. Justice officials I interviewed were not aware of any international law to which Canada is signatory which specifically obligates the Department to promote international human rights. There are no dedicated funds within the Department for international LTA, and there appears to be just one full PY to design and administer this dimension of the Department's work.

Scope of International Human Rights. While these activities are clearly intended to promote the rule of law, a concept at the heart of international human rights instruments and of the Government of Canada's understanding of human security, for senior Justice Department officials, LTA is not a human rights promoting activity. Instead, the term "international human rights" is interpreted narrowly to cover two circumstances: (a) demands from states to provide assistance in the process of accession to international human rights instruments; and (b) technical assistance in the policy development of Canadian positions on emerging international human rights law as well as "defending" Canada's domestic fulfilment of its international obligations under human rights instruments to which Canada is signatory.

LTA Project Implementation. DOJ is an executing agent for CIDA. Its LTA work covers a wide range of activities under the broad rubric of promoting the rule of law. DOJ-CIDA collaboration is quite recent. Examples include "off the shelf" LTA packages for civil code reforms and a program to train new judges in South Africa. Current projects are in the Czech Republic, Ukraine, Slovakia, Haiti, La Francophonie, and several central African countries.

Somewhat surprisingly, few of these projects have an explicit component to strengthen a partner country's legal community adopt and implement international human rights instruments or strengthen linkages with the international human rights movement. For example, in developing a two-year cooperation program with the Ministry of Justice of the Ukraine, DOJ has three objectives:

(I) to streamline the legislative drafting process;
(ii) to encourage easier access to legislation;
(iii) to integrate Ukrainian drafters into international legislative drafting networks.

Objectives (ii) and (iii) have clear potential to promote good governance (responsiveness) and international human rights. However, I am not aware of any explicit DOJ effort to, for example, draw on Canadian expertise to assist Ukrainian legislators strengthen their use of international human rights machinery, such as the UNCHR or the OSCE.

Similarly, DOJ projects to La Francophonie (l'Agence de cooperation culturelle at technique) have focussed on the independence of the judiciary as Canada's primary contribution to a five year plan of action agreed to by La Francophonie (1996-2000). The five legal themes identified for cooperation are: independence of the judiciary, access to law; human rights, law and peace; and law and development.

Coordination. The clearest example of a direct connection between LTA and international human rights is the DOJ's ***Justice Linkages Project with South Africa.*** In South Africa, DOJ is advancing CIDA's objectives to support the Government of South Africa's Reconstruction and development Plan. The Justice Linkages project supports CIDA Governance programming, which is intended to help "establish and enshrine the rights, freedoms and values within the society as well as the mechanisms and procedures with which the society will govern itself."[1] The similarities between the Canadian Charter of Rights and Freedoms and the newly adopted South African Constitution means that Canada is uniquely placed to assist in the development of an explicit human rights dimension to the scheme. Reportedly South Africa's Minister of Justice informed a Project Design Team in 1996, that he is committed to helping "entrench human rights sensitivity on the Bench." A Canadian project Manager has been appointed to work within the South African justice structure for the duration of the programme, which is scheduled to run to December 31, 2001.

Strategic Directions. To date, the department's LTA appears to be a case of growth without guidance. Initiatives are typically ad hoc and rely on high-level political meetings, such as between the Prime Minister and his Ukrainian counterpart, and between then Justice Minister Allan Rock and Mr. Dullah Omar, the South African Justice Minister. Demands are particularly high from former Eastern Bloc countries for assistance in the development of a enabling legal regime for a market-based economy. There is also growing interest from Canadian private sector law firms for joint ventures and types of private-public cooperation. Reportedly, private law firms are primarily interested in the competitive leverage of a partnership with Justice to penetrate new markets or access the LTA programs of the international financial institutions.

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[1] All quotations in this section are drawn from "Report on the Activities of the Department of Justice in the Field of legal Technical Assistance" by Dr. Oonagh Fitzgerald, Department of Justice. Presentation at a Canadian Bar Association meeting in Montreal, June 6, 1997.

Reportedly, Justice has received no requests to assist states with accession to or monitoring of international human rights instruments.[2] Regarding, the development of new human rights law, Justice is currently collaborating with DFAIT in the development of Canadian position on Optional Protocols under CEDAW and ICESCR.

In the light of growing demands for LTA and Canadian private sector interest, Justice is currently reviewing its international LTA activities and considering the feasibility of providing dedicated funds from its own budgets. As yet, no clear LTA priorities have emerged from this strategic review.

CIDA should be a natural ally for Justice both in policy development and sourcing. In the execution of projects, Justice officials rely on local CIDA staff to provide liaison between Justice and the recipient, but in most respects the Department appears to be "on its own" in designing and delivering LTA. There appears to be no DFAIT oversight or strategic coordination of Justice's LTA activities to assess how such projects "fit" with other Canadian foreign policy objectives in a particular country.

CIDA has funded some training of magistrates and judges, and Policy Branch has provided informal assistance and drawn Justice officials into informal "lessons learned" discussions. But there is a perception that "because of the way CIDA is structured" CIDA is not well-placed to take advantage of the expertise of Justice in terms of funding its LTA.

Summary. The globalization of the legal, social, business and political community, has required DOJ to consider a more proactive role in LTA and in public/private partnerships. Currently, however, DOJ is a relative neophyte on these issues. Its LTA activities have thus far been ad hoc and episodic; an agenda driven by political interests rather than a clear strategy underpinned by adequate human resources and reliable financing. DOJ appears to lack a systematic project design, monitoring and evaluation capacity. There appears to be no systematic human resource roster, or project database or management information system (MIS) for its LTA activities. There appears to be no explicit strategy to ensure an international human rights dimension to its LTA.

While DOJ still has many unresolved issues about *how* to engage the issue of LTA, "the fundamental question of whether it should operate at all, has effectively been answered." DOJ wants to expand its international LTA and is developing its own strategic priorities. An enhanced role for DOJ in LTA would be consistent with Canadian foreign policy, which seeks to promote Canadian values and interests abroad. It could be used to promote human rights, active citizenship and values and practical achievements of cultural diversity. There are also opportunities to enhance Canadian competitiveness in a growing sector of international cooperation, notably through the international financial institutions. However, this process appears to lack a systematic integration with Canadian foreign policy objectives.

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[2] Interview with Dr. Oonagh Fitzgerald, DOJ, June 1997.

Given the depth of untapped Canadian expertise in LTA, DOJ could be a significant player in promoting Canada as a leader in LTA for human rights, democracy and good governance. Peacebuilding, where the confluence of human rights, development and security is compelling, is one area where strong Canadian supply may help meet growing demand. DOJ could have a crucial role to play in countries such as Rwanda where there is an almost infinite demand for legal support in a country with only 17 trained lawyers.

DOJ has the potential to emerge as a leader in promoting the Canadian legal community abroad, including competing for fast growing opportunities in the international financial institutions. However, an effective LTA strategy requires an explicit alignment of DOJ's activities with Canada's overarching interests to promote effective legal institutions that assure human security in post-conflict/peacebuilding contexts and enhance market-based development in democratic transitions.

However, given the limited opportunities to draw on CIDA funding, DOJ needs to identify its own departmental funds and dedicated PY's in order to be a more valuable player in Canadian foreign policy and a more capable manager in building partnerships with Canada's legal community. Since LTA is centrally concerned with helping other governments enhance their institutions of governance, the political risks of such activities require accountability mechanisms through a deputy minister or ministerial level. They may also benefit from a structural coordination with the core foreign policy structures, namely DFAIT and CIDA. Another model is to form an advisory network that brings together key LTA stakeholders from government and the private and non-profit sectors of the legal community.

CANADIAN HERITAGE

Organizational Mission. Canadian Heritage is a product of an amalgamation of several government agencies and departments, notably Secretary of State, Multiculturalism, and Parks Canada.

Heritage has the primary responsibility for coordinating Canada's reporting based on its accession to six UN international human rights instruments. This responsibility stems from the incorporation of the Secretary of State function. Secretary of State's responsibilities in this area date from the 1960s, at a time when Canada was beginning to ratify international instruments. The Government housed the reporting mechanism in an institution that was felt to be relatively neutral. In practice, Heritage is the lead agency in the preparation of only two of the six primary UN instruments to which Canada is signatory, as shown below:

International Instrument	Lead Federal Department
Covenant on Economic, Social and Cultural Rights	Heritage Canada
Covenant on Civil and Political Rights	Justice
Convention on Torture	Justice
Convention on the Rights of the Child	Health & Justice
Convention on the Elimination of All Forms of Discrimination Against Women	Status of Women
Convention on the Elimination of Racial Discrimination	Heritage Canada

The Human Rights Program of Canadian Heritage consists of four staff. It engages IHR in two primary ways: an "education and promotion" program which disburses small grants to national institutions to educate Canadians about the international human rights conventions; and the preparation of reports on the domestic implementation of international human rights instruments.

Coordination of International Reports. The Human Rights Program works with the provinces, through a "Fed-Prov" mechanism (the Federal-Provincial Continuing Committee on Human Rights). This is the mechanism by which Heritage Canada keeps the provinces informed about the schedule of report preparation. In practice, Heritage manages the process but exercises little leadership in the substance of these reports. Moreover, there appears to be a trend towards a greater role for the provinces and a loosening of federal capacity and oversight in the preparation of these reports. There is a formal review of the provincial and territorial reports, but the oversight is relatively loose. As well, Heritage cannot change another jurisdiction's report. Each jurisdiction has its own responsibility for preparing its report. There are occasional instances, where a jurisdiction may not wish to prepare a report. For example, Alberta, which was concerned about certain sections of the Convention on the Rights of the Child, did not prepare a first report on the implementation of the Convention and has indicated that it will not prepare a second report. In such circumstances Heritage Canada must negotiate with Alberta to identify a consultant to prepare the report. Hence the province in this case officially prepared a report

without putting any resources towards it. The bottom line is that it is Canada as a federal government that is held accountable, even though it is provinces that implement policies.

Heritage prints and disseminates the Reports and attends meetings at the appropriate committees in Geneva when the Reports are tabled. Heritage is expected to field questions. While the quality and comprehensiveness of Canada's reports are generally well-regarded, UN committee members invariably complain about a lack of coherence in most reports which reflects the separate nature of reporting by each territorial and provincial jurisdiction. The committees consistently complain that they cannot get an overall national picture about the status or particular sets of rights. The Committees offer "concluding comments" and it is the role of Heritage Canada to hear such "complaints" and "pass them along" to the provinces. The process for producing the reports almost guarantees incoherence and inconsistency. The committees' observations have some moral force, but are not legally binding. The comments can be dealt with immediately; more often than not they are answered in a subsequent report presented by the Government of Canada. In view of these structural problems in the preparation of the reports, and the absence of a single quality assurance mechanism, there is a strong feeling among domestic NGOs that Canada's reports are a "whitewash."

While Canada has a well-deserved reputation internationally as a human rights activist, there is a feeling of "retrenchment" at home in our performance on some key rights, notably social and economic rights. Provinces such as Ontario and Alberta, for example, are viewed as "hostile environments" for such rights. For example, workfare may be viewed as contrary to the SCR covenant. In such complaints, Heritage will coordinate a Government response regarding the accuracy of the complaint. It is also the responsibility of the Minister of Canadian Heritage to remind provinces that they have acceded to international instruments and are thus morally bound to comply with such standards. Unfortunately, Canada's accession to these international instruments has not taken on the force of law and we do not necessarily incorporate the international language. For these types of reasons, Heritage cannot directly inform provinces that they are not implementing. Unfortunately, as the federal level of government devolve more powers to the provinces, the latter will have a stronger input into the content of the reports, but it will be Heritage and the federal level that still has to answer to the UN committees.

Other International Activities. The Education and Promotion Program has focussed on the Rights of the Child. For example, Heritage has received CAD 750,000 in new money from the Treasury Board for this work. However, as a result of budget cuts, Heritage now receives CAD 400,000 per annum for its human rights education program and it tends to be part of a consortium of government agencies in the development of projects. A lead activity for the Education Program in 1998 will be the 50th anniversary of the Universal Declaration of Human Rights. Heritage is the lead department for the federal Plan of Action for the 50th. While plans have yet to be finalized, there is an interest in focussing on youth and in the development a "plain language" guide to the Declaration.

Strategic Directions. It must be stressed that neither in Heritage Canada nor in other relevant departments is there much appetite for any further proliferation of international human rights norms and their accompanying reporting obligations. The trend is to streamline such reporting requirements (for example, by preparing biannual consolidated reports on all six UN instruments). In addition to considerations of volume of work implied by new norms, such as the proposed Optional Protocols for CEDAW and the SCR covenant, there are fears that Canada will be exposed to increasing complaints by individuals and NGOs. For example, the National Anti-Poverty Organization representing a coalition of domestic NGOs made a complaint to the SCR Committee that as a result of the amendments to the Finance Act (Bill C-76), Canada no longer complies with the requirements under the covenant. As a result of such complaints, the SCR Committee wants to "pull Canada out of the queue" and request a further report.

While there is no strategic plan to deepen the profile of international human rights within the Department or in Canadian society, the Human Rights Program has begun a training course for staff from all Canadian jurisdictions involved in the preparation of human rights reports. It is also attempting to inculcate a human rights dimension into the thematic priorities of Heritage Canada, including multiculturalism, Canadian symbols, sports, parks, and historical monuments.

DEPARTMENT OF INDIAN AFFAIRS & NORTHERN DEVELOPMENT (DIAND)

Scope of International Human rights. DIAND interprets human rights as a necessarily broad public policy agenda that overlaps with several other aboriginal interests, such as livelihood, trade, and the environment (forestry and hydro development). In an aboriginal context, human rights encompass political rights to self-determination, self government, and self-representation. Several Canadian aboriginal communities are very active internationally. The range of issues includes:

- economic social and cultural rights, such as fur trapping and seal hunts (Inuit),
- the right to land (Lubicon), livelihood & culture adversely affected by domestic action (Innu) or international campaigns
- issues of sovereignty and self-determination.

The Cree have been perhaps the most sophisticated in their use of UN fora to repudiate Quebec claims to sovereignty, protest the destruction of aboriginal culture and lands (Grande Baleine), project their rights to self-determination, and criticize foreign governments (France). Similarly, the Mohawks invited human rights monitors from Europe and elsewhere in the context of the Oka Crisis of 1991. Finally, the Inuit are active in the Inuit Circumpolar Conference and in the inter-governmental Arctic Council.

International Activities. DIAND engages international human rights in four ways:

- policy development for treaty building;
- tracking Canadian aboriginal groups active in international fora;
- providing information & advice in individual/group complaints under international law;
- support to Canadian aboriginal groups in international fora or for linkages & exchanges.

The last of these dimensions is the least developed and there appears to be neither the resources nor corporate interest in developing a proactive capacity to assist Canadian aboriginal communities to enhance their international networks. DIAND staff offered several reasons for this apparent anomaly. First, DIAND already provides core funding to aboriginal communities. And it is left to aboriginal communities themselves to decide how such funds are to be used. Second, it is DFAIT that would normally provide funds enabling aboriginal groups to travel to international forums. Finally, favouring one group may invite a flood of applications and potential resentments among aboriginal groups.

Two direct DIAND subventions to aboriginal activities with an international dimension were the AFN-organized Conference marking 500 years of engagement with non-aboriginal communities in the Americas and à 1996 Conference on the Land Rights and Claims of Indigenous Peoples. The latter conference, which was held in Whitehorse, examined best international practices and models in developing landrights and adjudicating claims. Following an April 1996 visit to New Zealand by then DIAND Minister, Ron Irwin, the Department has established an exchange/travel

practices and models of New Zealand's Maori.

Finally DIAND has supported several aboriginal leaders in their lobbying efforts at the Council of Ministers of the European Parliament, supported a "plain language" guide to the UN Draft Declaration on Indigenous Peoples and produced funding guidelines for the International Year of the Worlds Indigenous peoples.

Coordination and Consultation. DIAND's role is to provide background information to DFAIT and other levels of the Canadian government in such contexts where Canadian aboriginal groups are active in an international human rights forum or in cases where there are individual or group complaints under international human rights law. A celebrated case is that of Sandra Lovelace where international scrutiny stemming from Canada's accession to the Optional Protocol of the Covenant on Civil and Political Rights led to a change in domestic law (Bill C-31). The law allowed aboriginal women who marry non-status or non-aboriginal men to apply to regain their Indian status (and entitlements that accompany such a status).

DIAND is involved in a series of complicated relationships with domestic aboriginal communities, other provincial governments, domestic lobby groups and the media on several issues where aboriginal rights develop an international dimension. In some instances, aboriginal communities or spokespersons have supported the positions of provincial governments. For example, when George Watts, a West Coast aboriginal leader, spoke out against domestic and international environmental groups that have appropriated an aboriginal rights discourse but whose actions serve to undermine aboriginal livelihoods.

DIAND is also aware that domestic and international environmental groups may sometimes invoke aboriginal rights to land in support of forestry or petroleum exploration boycotts. A current example is the so-called "War of the Woods" in which the European Green Peace Movement has been taken to task by four central B.C. coast bands for appropriating aboriginal cultural symbols in their lobbying and fundraising campaigns. The four bands, which include the Nuxalk and Heiltsuk, have developed a "protocol" describing the European Green Peace movement as "environmental colonialists."

In such circumstances where domestic aboriginal and government interests coincide, DIAND has sometimes promoted "third party validation" by underwriting the travel costs of aboriginal leaders in representations to European countries and forums or accompanying Canadian politicians (such as Mike Harcourt) attempting to reverse planned legislation and influence European public attitudes to sealing or fur trapping.

DIAND is also involved in policy development in the context of Canada's role in the UN Draft Declaration on Aboriginal Rights and other UN fora, such as the Working Group on Indigenous Populations. DFAIT takes the lead in UN treaty-making. DIAND, however, is part of an inter-departmental committee on this treaty-building process, which also includes DFAIT (JLO, AGH), PCO and Justice. In norm-building processes beyond the UN, other departments, such as Labour

Canada take the lead. (The ILO, for example, is developing a Convention on Indigenous and Tribal Peoples).

INTERNATIONAL CENTRE FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT

Organizational Mission. The Centre was established by an Act of Parliament on September 30, 1988. In accordance with the provision of the incorporating act, the Centre is a Canadian public-interest institution. Its legislative mandate is to defend and promote the rights and freedoms enshrined in the International Bill of Human Rights and to reduce the gap between formal adhesion to the Bill and actual practice.

While it receives CAD 5 million annually from the Government's international assistance envelope, the Centre is autonomous, non-partisan and independent of the Government and its policies. As a hybrid organization located between government machinery and Canadian civil society, the Centre is uniquely located as a neutral convenor in "public space" promoting dialogue and deepening awareness about urgent human rights predicaments and Canada's actions to promote international human rights and democratic development.

Scope of International Human Rights. Another distinctive feature of the Centre's mission is the explicit linkage of human rights, democracy and development. The Centre's mandate is a bellwether of a broadening definition of international human rights, and the centrality of human rights in safeguarding international peace, security and stability.

This wider human rights agenda is reflected in the breadth of issues ICHRDD attempts to engage, ranging from the linkage of trade and human rights, impunity, democratic transitions, and thematic priorities, such as the rights of aboriginal peoples and women. However the global scope and generic breadth of its mandate has long been a source of tension in determining and sustaining priorities, notably in achieving an optimal balance among advocacy, programming and knowledge, between core countries and themes, and between long-term partnerships and urgent actions.

Current International Activities. ICHRDD is in a period of transition and is attempting to set some new directions following the 1996 departure of Ed Broadbent, the Centre's first president. In 1997, the Government appointed Warren Allmand as the Centre's second president. As well, three new members joined the ICHRDD Board of Directors in 1997. They are Professor Irwin Cotler, Mr. David Matas and The Very Reverend Lois Wilson.

However, between Mr. Broadbent's departure and the arrival of a new President, Warren Allmand, the Government appointed ICHRDD Chairperson of the Board, Ms. Maureen O'Neil, as an interim caretaker for the institution. Ms. O'Neil led the staff in a protracted "process of reflection and consultation" regarding the Centre's future mission. This process included a thorough consultation with international human rights experts and with key Canadian government and NGO stakeholders.

At its January 1997 meeting, the Board of Directors drew on the findings of the consultations and agreed that the Centre would "re-orient its programming to focus on themes as opposed to core countries. Those themes would be women's rights, trade and human rights, indigenous and minority rights, and impunity, preferably expanded as a concept of "justice, rule of law and reconciliation"). In addition to these primary directions, the Board requested ICHRDD staff to investigate three areas of overlap with Government of Canada priorities. These are:

- Children's rights: map Canadian activity in this field to determine if there is a potential niche for ICHRDD;

- Freedom of expression. Consider strategies to encourage the UNCHR to move faster on the Draft Declaration on Human Rights Defenders;

- Peace building. Analyze the potential role ICHRDD can play in the Government's emerging Peacebuilding Initiative.

The Board also acknowledged that the Centre has not taken advantage of its legislative linkage to Parliament. The Centre owes its origins to recommendations of a Joint House of Commons and Senate Committee, yet relations between ICHRDD and Parliament "remain fleeting and occasional." (Minutes of the Board of Directors Meeting, March 21-22, 1997). One potential opportunity to cement a more active relationship with parliament is a Board interest in the context of the 50th anniversary of the Universal Declaration of Human Rights, that ICHRDD table a report taking stock of Canada's many achievements and of its current activities to promote and defend international human rights.

Trade and Human Rights. An issue of continuing interest to ICHRDD is the relationship between trade and human rights. While there has been complementarity between the Government's and ICHRDD's actions on issues such as women's rights, the nexus of trade and human rights continues to be one where there are enduring differences of emphasis and approach, if not of principles or goals. It should be noted, however, that ICHRDD agreed to be part of the official Canadian delegation at a recent meeting of the ILO, and that there has been a mutual "learning curve" in the regular dialogue between DFAIT and ICHRDD regarding arrangements for the APEC summit in Vancouver later this year.

ICHRDD remains committed to promoting a linkage between trade, labour standards and human rights both as a "social clause" in the WTO and as an item of discussion around the "social dimesion" of development in an APEC context. This commitment remains despite the singular failure of supportive Governments to secure a social clause agenda at the WTO and despite marked North-South fissures in the NGO community on the merits of linking human rights and labour standards in an inter-governmental forum such as APEC. Reportedly, several of ICHRDD's NGO "partners" are firmly opposed to any such linkage through APEC. They include Ebon and Gabriela, a Filipino women's NGO, and two Hong Kong-based groups: Alarm and the Asian Migrants Centre.

ICHRDD has also been a key player in establishing and supporting the Labour Forum of the Peoples' Summit on APEC which will be a parallel NGO event alongside the inter-governmental meeting. The bottom line in this Labour Forum is to demonstrate that fast-track trade liberalization across APEC economies is having adverse consequences on core labour rights (as defined in ILO Conventions and by the OECD). ICHRDD thus wants to promote the principle of freedom of association as a fundamental right in all APEC countries at a time when several fast growing economies remain or are becoming highly labour-repressive.

ICHRDD had hoped to secure Government funding to enable NGOs from APEC countries to attend the Peoples' Summit. The proposal was rejected. The Government has instead given funding to support the salaries of the parallel Summit's secretariat. Reportedly, there has been a meeting between Minister Axworthy and the ICHRDD President concerning ICHRDD's role at the Vancouver Summit. ICHRDD staff are dismayed at the ostensible perception given by the Government that in refusing to fund the travel of the Peoples' Summit delegates, it has bowed to pressure from labour-repressive APEC governments and that Canada's commitment to promoting civil society is inconsistent and wanting.

Following a ground breaking collaboration with the Business Council on National Initiatives to promote dialogue in Canada on international labour standards, the Centre is now embarked on a combination of knowledge-generation, building domestic and international networks, and policy advocacy. For example, ICHRDD has commissioned two studies on the implementation of labour standards. The first study examined the relationship between Canadian corporations, official codes of conduct and their actual labour practices in developing countries. A second study, due to be published in 1997 will examine best practices in the development, implementation and monitoring of corporate codes of conduct.

There is a possibility that ICHRDD could serve as the conduit for Canadian public funding of a Nigerian opposition radio organization. This type of initiative is clearly impossible for the Government of Canada but underscores the very useful role that ICHRDD can play in support of the Government's human rights objectives in individual countries.

Strategic Directions. Mr. Allmand is reviewing the new focus on thematic priories and has indicated that it remains important to maintain some geographic focus and in-depth country knowledge.[3] In the absence of a through country-specific engagement and knowledge base, the content and timing of thematic initiatives runs the risk of being misplaced or lacking leverage and sustained impact. ICHRDD will examine the feasibility of maintaining some geographic focus by setting thematic priorities in a sub-regional context (West and Central Africa etc).

The breadth of ICHRDD's mandate alongside modest financial resources have generated real and enduring problems of geographic and thematic focus, institutional expertise, and responsiveness.

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[3] Meeting in Montreal, June 23, 1997.

There is a creative tension among the three main pillars of ICHRDD's mission: programmes, advocacy and knowledge (research). The Centre was initially focussed on funding projects and building partnerships with front line human rights and civil society organizations in the developing world. However, with the rapid growth of CIDA-funded projects in human rights, democratic development and good governance in the 1990s, it became apparent that CIDA, rather than ICHRDD was the primary Canadian locus for funding, project design and lessons learned evaluations.

However, even with a stated interest in enhancing the Centre's capacities as a knowledge-based institution, ICHRDD has missed an opportunity to position itself as a forum for the human rights community to reflect on the lessons to be learned in designing and managing human rights projects. This area of work could take the form of research, workshops and training sessions. There are opportunities to work with the Development Assistance Committee of the OECD, which has a working group on participatory development. In Canada, it is CIDA that has taken a lead in this practical lessons learned research, but only in tracking the successes and pitfalls of Government-funded programmes.

INTERNATIONAL DEVELOPMENT RESEARCH CENTRE (IDRC)

Organizational Mission and Legislative Manadate. The Act which established IDRC neither enables nor precludes a research focus on international human rights. However, the Act does reflect a conception of development prevailing in the 1970s, namely that external inputs of science and technology could by themselves accelerate development. There appears to be little recognition of the political dimension of development in IDRC's enabling legislation.

As Canada's premier knowledge-based development institution, IDRC is well-placed to spearhead linkages between Canadian and international knowledge-based or operational organizations active in the promotion of international human rights, good governance and democratic development. Interviews with staff, however, reveal that none of these themes has ever been a programming focus.

This is for three primary reasons. First, the "fragmented" way in which IDRC's work is organized means there is no corporate position or conceptual articulation of how human rights fit into the global development agenda. Programs are often developed inductively from the bottom-up and typically reflect the specialist skills of IDRC staff. Second, the recent restructuring around 14 inter-disciplinary programme initiatives makes it more difficult for staff to articulate a holistic vision of development, such as one built around a model of human security with human rights at the heart of the development agenda. Third, IDRC's mission to enhance the research capacities of developing country institutions requires a commitment to research priorities and "terms of discourse" driven by its clients rather than set by the institution. Human rights has not historically been a high demand research area, although as discussed below there has been a sustained interest. However, with the creation of ICHRDD applications to support international human rights research are sent directly to Montreal, further weakening IDRC's engagement with this field. ICHRDD is not primarily a research-based institution.

The upshot is that IDRC has no clear or articulated commitment to human rights and good governance as a key development problematique. Nevertheless, the report of a blue-chip task force, chaired by Maurice Strong (***Connecting with the World***), singled out human rights, democracy, and good governance as an issue-area of comparative Canadian international advantage in which to deepen its knowledge-based investments. It remains to be seen whether IDRC is prepared to put this recommendation into action by, for example, identifying a governance component as a cross-cutting theme in its current PI's or as a separate PI.

Institutional Restructuring. IDRC has experienced several restructurings during the 1990s. It is now organized to manage 14 free-standing Programme Initiatives (PIs) clustered around 6 broad development themes. None include a specific focus on international human rights. And governance is only an explicit priority for the peacebuilding and reconstruction PI, which examines the consequences of a failure of governance. The PI's on biodiversity and community participation have potential overlap with human rights agendas, such as on aboriginal rights, freedom of association and the "right to take part in government" (Universal Declaration, Article

21).

Programme Initiatives. The clearest linkage to human rights is the PI on ***Peacebuilding and Reconstruction***. This $11 million, three year PI has the potential to compliment the Minister's Peacebuilding Initiative by enhancing the lessons-learned from postconflict and reconstruction situations. These are: South Africa, Mozambique, Angola, Cambodia and the Middle East.

The project description is replete with references to circumstances where human rights are a key dimension of the development agenda. The project will address the "shift from conflict to reconciliation" in circumstances of "extremely weakened or non-existent governance institutions" where it is neccesary to "reconcile human security with political stability." The project recognizes that "one of the most disturbing aspects of contemporary armed conflicts has been the high level of children drawn into wars." And it asks: "how can political participation be expanded to counteract the divisive and partisan aftereffects of violent conflicts?"

However, the absence of any explicit reference to international human rights in the research agenda is a glaring omission. This is particularly surprising given the explicit post-conflict agendas adopted by countries, such as South Africa, to infuse human rights norms into new constitutional arrangements, create national human rights institutions, implement truth and reconciliation commissions, and promote through popular and formal education, a national human rights culture.

Scope of International Human Rights. There is not yet a corporate position on the scope of international human rights. However, one logical entry point is ***academic freedom.*** Another is ***economic and social rights.*** And while IDRC does not currently have an explicit human rights research strategy, it has historically played a very important role in sustaining beleagured intellectual and scientific communities in a number of authjoritarian regimes. A notable example, is IDRC support to the academic community in Chile during the worst years of Pinochet regime. Given that in many authoritarian societies, social science and law faculties are often purged or else empty shells that reflect state ideologies, the front lines of academic freedom, and freedom of opinion is frequently the science and technology communities, sectors which are a comparative advantage for IDRC.

According to one IDRC official, a "broad perspective" on the scope of human rights is vital. In her experience, the rights issue needs to be examined through a "social justice" lens. Otherwise you lose part of your audience. Framing human rights as a social justice agenda extends the scope of human rights towards the claims of indigenous peoples, the issue of labour standards, the empowerment of women and so on.

The arrival of a new IDRC President, Ms. Maureen O'Neil, may be a decisive moment to develop a conceptual and strategic approach to IDRC's role in promoting international human rights research. Ms. O' Neil points out that human rights and democratization are now mainstream development issues. This political dimension can be decisive for development outcomes.

Recognizing that human righs are to some degree a missing link in IDRC's activities Ms. O'Neil has begun an in-house reflection on how human rights issues fit into the organizational mission.

Ms. O'Neil has an interest in working with International IDEA, a Stockholm-based elections think tank, to convene an international dialogue with like-minded knowledge-based institutions on how to add an international human rights research dimension to their activities. Ms. O'Neil also underscored the potential to support the research and monitoring activities of front-line international human rights institutions. For example, the Tribune Centre in New York plays an important role in supporting women's development and human rights organizations worldwide. IDRC is not currently organized to be able to support the Tribune Centre.

Towards a Strategic Plan for IDRC's Promotion of International Human Rights Research. The steps in the development of a strategic approach are to first develop a conceptual argument and strong "business case" setting out why an IHR dimension will enhance IDRC's corporate objectives and its overall effectiveness. A second step might be to review all IDRC's current PI's and consider whether there is scope to integrate an explicit human rights or good governance dimension. Another option to a "cross-cutting" approach might be to develop one or two pilot projects through, for example, IDRC's linkages program which establishes knowledge partnerships between Canadian institutions, such as ICHRDD, and developing country counterparts. A third step, would be to examine the financial and human resource implications. A superficial impression suggests that IDRC may need to reach out beyond its current skills base to draw more consistently on political scientists, legal experts and other public sector governance specialists. In the development of such a strategic plan it will help to identify niches that fit with current IDRC's skills, that reflect emerging Canadian capacities in IHR and that complement rather than duplicate research agendas already developed by influential organizations, such as Ford Foundation.

IDRC is beginning to develop the conceptual case.[4] Knowledge is a building block of freedom and democracy. Active citizenship requires an enabling environment in which individuals and organizations can freely debate public policy and strengthen their political voice. Pluralism, the competition of ideas and the conduct of free and fair elections, depend on an informed citizenry, knowledgeable about the issues which affect their lives.

Independent research on key public policy issues, that is "conducted in a participatory and inclusive manner, with results communicated in an accessible way to affected populations, is a critical element in building a knowledge base which allows human rights and democracy to thrive."[5]

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[4] The following material draws substantially on work undertaken by Robert Robertson, IDRC's Legal Counsel.

[5] Robertson, unpublshed communication, IDRC, 1997.

There are at least 10 potential areas where IDRC supported research could make a practical difference to defending and promoting international human rights. Five of these these are sketched below.

- ***Empowering the marginalized.*** Action research methodolgies, such as participatory rural appraisal, provide neutral interlocutors like IDRC with opportunities to strengthen the disposition of local NGOs, research institutions and state or national policy makers to draw on indigenous knowledge. Indigenous knowledge is a key dimension in the emerging focus on the community management of natural resources. Experience shows that beneficiary participation in the design of public policies that are more inductive, and broadly owned promotes more sustainable development outcomes. Similarly, many women's organizations's look to sound documentation and research as key to their national and international agendas to combat domestic abuse. However, to work effectively with marginalized groups, IDRC will have to reach out much more to the burgeoning NGO sector and to the even larger global growth of community-based organizations (CBOs) and popular movments of every stripe.

- ***Connecting the Isolated.*** Canada has a comparative advantage in information and communication technologies (ICTs) and in distance education. These two skills can be combined to help connect isolated rural communities to mainstream public policy processes, which affect their lives.

- ***Preparing to Govern.*** IDRC's experience through the Macro-Economic Research Group in preparing the ANC to govern in a non-racial democratic future is an example of the role of knowledge in peacebuilding and in democratic transitions. It has been suggested that the MERG initiative was an "aberration." That is a pity. Arguably, both Burma and, particularly Nigeria, are ripe for IDRC to once again consider this type of prescient support

- ***Fostering Peace.*** Modern armed conflicts are more often internal than international, but they can quickly threaten regional or even international security. Sound research could play a role in "early warning" by identifying trends in the circumstances of disadvantaged or oppressed groups and drawing out grievances that are the root causes of conflict. In a post conflict setting research can help identify and develop institutions and practices underpinning a national human rights culture

- ***Monitoring abuses.*** This issue is at the heart of all organizations that focus on monitoring compliance with international human rights instruments. The quality, standardization and reliability of human rights data is key to the mandate and survival of these organizations. Enhancing human rights monitoring is a fertile area where institution-building and information and communication technologies meet.

Five other areas where research could make a difference to the promotion of human rights are: promoting ethical scientific standards, building institutions, studying governance, defining rights, and improving living standards.

Other Projects Related to Human Rights, Democratic Development and Governance. The following list of projects derived from the IDRC database (IDRIS) is indicative of a much broader range of IDRC supported programmes in support of human rights, democratic development and governance. However, these projects often emerged from the now defunct Social Policy Program and were not developed as part of any systematic governance or rights program strategy. There is a discernable geographic emphasis on Latin America, particularly the Southern Cone, and on South Africa. Thematic coverage includes decentralization, women's rights, indigenous peoples and democratic transitions.

1. Public Opinion and Governance (Peru). CAD 30,000. FY 1994-1996.

This opinion research was undertaken by a Peruvian institution, Agenda Peru. It consisted of the random sampling of homes in Lima and three other major urban centres. This was supplemented by focus groups which concentrated on governance, decentralization and environmental issues. A Queen's University consultant provided advice and support on research methodologies.

2. The National Information &Communication Programme - South Africa.

CAD 1.1 million. Completion 2001. The Government of National Unity (GNU) is giving impetus to the process of transformation and renewal through a Reconstruction and Development Programme. Underlying the RDP is the need to completely overhaul and democratize the public sector decision-making environment. This process requires the support of informatics and telematics. IDRC has advised and assisted the GNU in the development of a national information policy and a management information system for three levels of government: central, provincial and local.

3. Gender Issues in Health Care - Turkey. CAD 35,000. Completion date, 1996.

This project explored the issue of gender relations in health care in a predominantly Muslim society. It relied on focus groups and interviews to elucidate the expectations, attitudes and beliefs of women and physicians. In many Muslim societies, the emancipation of women has yet to be completed even where there is a well-established legal framework for equal rights. This project explored the issue of gender relations in health care in a formally secular but significantly Muslim society. This exploratory study relied on focus groups and interviews to elucidate the expectations, attitudes, value systems and beliefs of women and physicians.

4. Policy Reform and Advocacy - the Philippines. CAD 75,000. Completion date. 1995. This applied research project undertaken by the Asian Institute of Management aims to draw out the policy influencing strategies of civil society and sectoral organizations in a society where the

rhetoric of "people power" is an important part of daily political discourse. The project has focussed on issues related to the building of consensus and the broadening of the decision-making environment. Three case studies were chosen: Agrarian reform Legislation, the ban pon commercial logging, and the Philippine Foreign Debt Program. In each case, the researchers will examine the strategies and effectiveness of key NGO advocacy groups.

5. Constitutional Initiatives for Gender Equity - South Africa. CAD500,000. Completed 1994.

The aim of this project was to raise the general level of understanding of gender issues among men and women in South Africa. It was established to contribute to the national debate on the constitution, and in this regard helped to stimulate women to articulate their needs and make demands for constitutional change. These concerns and demands were then fed in to the constitutional process. A second purpose of the project was to identify central issues for a Charter of Women's Equality and to assist in the formulation and adoption of such a Charter. The process helped women to engage in public policies processes that may potentially transform their lives. Focus groups, in depth interviews, tribunals and hearings, as well as empirical questionnaires were the primary research methods used.

6. Women and the Law in the Caribbean. CAD 35,000. Completion Date 1992.

This research managed by the Caribbean Association for Feminist Research and Action (an umbrella group of women's organizations, NGOs, trade unions and legal clinics) was part of a 10 country "Women and the Law" project. The research led to briefing papers underpinning national consultations on laws which impact women's daily lives The project aimed to generate knowledge and information to enhance the effectiveness of women's legal services and women's rights campaigns. Another objective was to generate a program of action to reach low-income and rural women. Popular education and training materials were also produced.

7. Ancestral land Rights - Philippines. CAD 17,000. Completion Date 1992.

The issue of ancestral land rights is key to the demand for self-determination among indigenous peoples in the Cordillera region of the Philippines. Its resolution is basic to the quest for genuine regional autonomy and to sound management of the resource base. This project carried out research on the different types of land rights to ancestral domains, and their historical and contemporary relationship with state law, including land conflicts and their resolution. It evaluated the possibilities of reclaiming logged and mined-out areas that had been greatly damaged after being alienated from communities in the past, and help restore community rights to these lands. This study of indigenous rights was part of a larger Southeast Asian Network on Indigenous Minorities and Regional Development, and was linked to a larger study on the management of forest and agricultural resources managed by the University of the Philippines.

8. Women's Land Rights - China. CAD5,000. Completion date 1992.

Very little is known of women's rights to land in China. This project examined land reform in China over the last 40 years and assessed the extent to which women acquired land rights as the result of land redistribution policies enacted after 1949. Researchers examined the extent to which land reform and "women's work" directives have attempted to overcome traditional social restrictions and prejudices against women; and the extent to which women's legal equality in land ownership has undermined centuries-old patriarchal ideology and altered patrilineally-defined social and family relationships.

ELECTIONS CANADA

Organizational Mission. Elections Canada is a non-partisan, publicly funded agency that is independent of government. Its primary mission is to be responsible for the conduct and administration of federal elections and referendums. As a creation of Parliament, Elections Canada presents reports on its activities to the relevant committees of Parliament which are tabled through the Speaker of the House of Commons. The agency does, however, have a "designated" Minister (currently Don Boudria, formerly Herb Gray).

International Activities. Beginning with a 1979 mission by Jean Marc Hamel to provide support to the electoral process in Rhodesia/Zimbabwe, Elections Canada has emerged as a world leader in election observing and electoral support services. The agency has conducted some 300 missions in over 75 countries. The significant growth dates from 1984 when Ron Gould, now Assistant Chief Electoral Officer, attended the first "democratic" elections in El Salvador. In the last two years, Elections Canada has participated in missions to Russia, Georgia, Guatemala, Guinea, Haiti, Benin, Palestine, Tanzania and Zanzibar. This activity is underpinned by an International Services Unit which is managed by the Assistant Chief Electoral Officer and a Deputy Director.

Elections Canada has played an important role in the administrative design and implementation of five of the most important elections of the 1990s. These are South Africa, Namibia, Haiti, Cambodia and Bosnia-Hercogovina. Issues of democratic transition and regional peace and security were at the core of each of these elections.

Elections Canada's clients include CIDA, DFAIT and international organizations such as the Commonwealth, Organization of American States, La Francophonie and United Nations. The agency also works with a significant number of non-governmental electoral organizations. They include the International Foundation of Electoral Systems (IFES), the National Democratic Institute for International Affairs (NDI), the International Electoral Council, and International IDEA.

The agency provides a growing repertoire of services with the emphasis now more on technical assistance than election observer missions. Advisory services include: advice on preparing constitutional and electoral legislation; assessment of the electoral environment and identification of potential problems; election documents and materials; technical aid and professional advice in informatics, digital mapping, electoral databases; training of electoral officials; voter education programs; and voter registration.

In addition to these technical services, Elections Canada plays a consultative role and undertakes joint initiatives with electoral officials in other countries to share information and lessons learned. For example, in 1995 Elections Canada was the host of the second Trilateral Conference of representatives from the electoral agencies of Canada, the United States and Mexico. In 1997, Ron Gould begins a six month assignment working with the Stockholm-based International IDEA, a leading centre of excellence in the field of elections support. For example, IDEA has

recently brokered formal collaborative arrangements with UNDP to provide analysis of the electoral environment in all UNDP countries of operation. IDEA is also at the cutting-edge in developing international consensus on best practices and standards that can be applied generically in elections around the world.

Scope of International Human Rights. Elections Canada appears to have broadened its conceptual understanding of the scope of its international electoral activities. While maintaining a disciplined focus on technical assistance and the efficiency and effectiveness considerations at the heart of sound election administration, there is a growing appreciation that Canada's election support is only one marker, albeit a key one, in the larger agenda of developing a durable national human rights culture. Free and fair elections are building blocks of a much larger peacebuilding and conflict management and prevention agenda. This larger agenda means that election monitoring and support also impinges on Canadian interests in good governance, a flourishing of civil society, active citizenship, and the peaceful resolution of conflict and competition in a predictable framework based on the Rule of Law. Elections are good snapshots of the trend lines towards political stability or instability and conflict.

Elections Canada, through its voter education programs does on a demand basis play an active role in enabling citizens to participate in the political process, and the agency pays special attention to the civic education of minority groups and women . This activity is a direct contribution to citizens' civil and political liberties. In a broader sense, all of the agency's work supports Article 21 of the Universal Declaration of Human Rights which recognizes that:

> 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
> 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures.

Elections Canada is rarely concerned with classic or Amnesty-style human rights (genocide, torture, mass arrests, disappearances, political killings) since the presence of these conditions usually precludes any prospect for a meaningful election, or at least one which the international community would be prepared to observe. However, Elections Canada does indirectly contribute to the broader human rights and democratic environment of an election. The key contextual issues here are such civil and political liberties as free speech, free assembly and association, freedom of movement. The presence, absence or changes in the status of these liberties as they affect individual voters, minority groups or opposition parties will influence judgements on whether an election is free and fair.

However, there appears to be no explicit Elections Canada strategy to highlight the human rights dimension of its international activities, such as increasing the scope of its civic education work or partnering with accredited human rights organizations to draw out and disseminate a "plain language" explanation of how sound elections promote human rights. In Gould's view its is

necessary to be "cold-blooded" in recognizing a conceptual linkage but factual separation between human rights and the technical business of assisting the administration of a free and fair election. Nevertheless, Gould recognizes that elections are part of a continuum of peacebuilding interventions. In particular, elections should never be view as single-shot "exit' strategies. On the contrary, good international elections work is part of an "entrance" strategy for a sustained level of support well beyond the electoral moment.

Enabling Legislation and Coordination. In Ron Gould's view, the absence of a legislative mandate and a regular budget for international activities is a significant constraint on the capacity of Elections Canada to meet the growing demands for its services. The absence of a regular budget means, for example, that Gould cannot often send his own people, particularly when, as is often the case, good technical assistance requires an intensive time commitment. This is a missed opportunity to enhance staff capacities in international elections work.

Gould underscored that the 1995 "protocol" developed with DFAIT and CIDA was a very useful vehicle to formalize roles and responsibilities and to regularize financial considerations. Under the terms of the protocol DFAIT is responsible for strategic policy directions that identify when and where Canada should respond to requests for electoral support, CIDA provides the necessary funding for the activity and Elections Canada acts as the implementing partner.

Gould emphasizes that the protocol is not active, having collapsed under former Minister of Foreign Affairs, Andre Ouellet. The nub of the issue turns on a difference of priorities between the Office of the Minister of Foreign Affairs and Elections Canada. The Minister's Office has legitimate political patronage considerations in selecting Canadian participation for an observer mission. Elections Canada, as the implementing agency, must safeguard its non-partisan status and quality assurance function to ensure that professional considerations alone determine the selection of observers.

Reportedly, under a selection arrangement in which political patronage considerations often prevailed, Elections Canada became increasingly uncomfortable and did not want to be associated with the perceived "declining quality" of Canadian election observing missions. The intrusion of political rather than purely professional considerations in the choice of election observers also meant that Canada's "reputation took a tumble" in the wider international election observing community. In effect, there is a trade-off between professionalism and politics.

Reportedly, the Government did not accept an Elections Canada proposal to provide names of Canadian observer mission experts that DFAIT should be responsible for implementing, leaving Elections Canada to concentrate on technical assistance.

One upshot of this unsatisfactory arrangement is that Elections Canada is in the dubious position of increasingly identifying and sending some of the best Canadian electoral talent abroad to support the election observing services of other international organizations or non-governmental electoral organizations.

Strategic Directions. A partial resurgence of Elections Canada's direct work with DFAIT may come in the guise of peacebuilding should electoral support emerge as one of the three programming pillars of the Government's Peacebuilding Initiative. Reportedly, there is interest in developing a "roster" of Canadian electoral expertise alongside the new human rights roster. And this development may be an opportunity to revisit and reactivate the protocol among Elections Canada, DFAIT and CIDA. The absence of closure on this issue somewhat undermines Canada's prospects for maintaining its global leadership in this vital field.

CANADIAN HUMAN RIGHTS COMMISSION (CHRC)

Organizational Mission. In 1977, Parliament passed the Canadian Human Rights Act. The Commission began its work in 1978. The purpose of the Act is to ensure equality of opportunity and freedom from discrimination in federal jurisdiction. The Act bans discrimination in federal or federally regulated organizations jurisdictions. The provinces and territories have similar laws forbidding discrimination in their areas of jurisdiction. The Commission's primary business is to make the Act work for the benefit of all Canadians. There are three main aspects to its work: restoring the rights of those who have been discriminated against; preventing discrimination before it enters the courts; and promoting greater understanding of human rights and how they are protected.

The Commission is independent of Government although it relies almost exclusively on public funds. Its financial appropriations are linked to those of the Department of Justice and it reports to Parliament through the Minister of Justice.

Legislative Mandate. On a broad interpretation, CHRC does have a legislated mandate to promote international human rights under Section 27 of the Canadian Human Rights Act. Officials at CHRC claim, however, that the truthful answer is: "no, there is no legislated mandate" to promote the institution's activities internationally. While CHRC has debated the risk and opportunities of developing a legal mandate for its international work, senior officials appear to regard the absence of enabling legislation as an asset that provides the Commission flexibility in developing its international activities. As well, efforts to amend the Act to include an explicit international role may raise considerable resentments with domestic groups that have experienced long delays in seeking changes to the Act. Moreover, the difficulty with a legislated mandate is that it creates demand and expectations. In the prevailing public service climate, such expectations may be difficult to fulfill.

Scope of International Human Rights. The operational focus of the Commission is equality rights and promoting the principle of non-discrimination. This domestic focus and jurisprudence is not, however, explicitly projected internationally.

The primary ***objective*** of CHRC's international activities is to promote the emergence of a global community of ***national*** human rights institutions whose activities promote and protect the international human rights principles enshrined in the major UN instruments. This objective is implemented through a collaborative approach with fledgling institutions abroad and in a manner consistent with national circumstances and priorities.

The primary inspiration for CHRC's international work is the recognition that international treaties and domestic laws are a necessary but insufficient grantor of respect for human rights. In the real world, there must be concrete mechanisms to translate human rights commitments into reality.

Historical Development of an International Role. While CHRC has always been represented at the UN Commission on Human Rights, and former Chief Commissioner Gordon Fairweather sometimes led the Canadian delegation, CHRC is a relatively new player in Canada's international human rights community. The current growth of CHRC's international role derives from the convergence of three factors. International trends, charismatic individuals, and recognition of DFAIT and more recently by CIDA of the value-added of promoting national human rights institutions. This value-added is particularly noticeable in countries facing serious human rights problems where Canada has important trade and diplomatic ties.

Former Commissioner, Max Yalden, played the key role in drawing CHRC into international human rights activity. Working closely with a French and Australian counterpart, Yalden developed a vision of an international network of national human rights institutions. In 1991, the French government sponsored a meeting which led to the Paris Principles. The Principles call on that nations to cooperate to produce independent, national human rights institutions. These institutions have a broad mandate to:

- promote human rights
- educate the public
- advise governments
- encourage the ratification of international instruments
- ensure that domestic laws reflect international agreements
- publish findings and recommendations without interference

This early development was then consolidated at the 2nd World Conference on Human Rights in Vienna where the inter-governmental meeting considered steps to strengthen national human rights institutions.

Current International Activities. CHRC works at both the multilateral and bilateral levels. The trend line is to increasingly focus on bilateral activity. Resource constraints and the inherent complexities of multilateral action are converging to reduce and potentially sideline CHRC's engagement in multilateral standard-setting.

At the multilateral level, CHRC is engaged through the UN system in a standard-setting forum to consolidate and apply the Paris Principles. Canada served as the Head of the Coordinating Committee between 1993 and 1996. However, CHRC staff voiced considerable scepticism about the value of this multilateral diplomacy. First, there are continuing risks that the forum will be manipulated as an opportunity to develop bogus national institutions by states with poor human rights records. For example, China has set as an observer at the last meeting of the national institutions at Manila and Nigeria for example has created a national commission. Second, there are staffing, funding and knowledge-building constraints that reduce the CHRC's capacity to play a more active multilateral role. Third, it is unlikely that a system of peer review will ever be developed to assure quality and support the standard-setting function.

At the bilateral level, CHRC has supported the development of national human rights institutions in Mexico, India and Indonesia. Plans are in progress to develop linkages with fledgling national institutions in Bangladesh and South Africa. For a full list of CHRC activities see Annex II.

Strategic Constraints and Directions. CHRC is well-placed to serve as the Canadian interlocutor to work with nascent national human rights institutions in view of the strong perception by other countries that the Commission is an independent and non-political agency. At the same time, it is equally clear that DFAIT has prompted, perhaps even directed, CHRC to help establish national institutions in countries where human rights is a potential or significant irritant in a trade- or geopolitically-driven relationship. The obvious cases are India, Indonesia, and Mexico. And it is no accident that Max Yalden also visited Cuba and China. Canadian assistance in the development of national institutions can contribute to a policy of constructive engagement. Equally, this linkage helps to soften criticism regarding Canada's primary commercial or geopolitical objectives. In this sense, the Commission is a useful vehicle for advancing Canadian national interests.

The Achilles heel for CHRC's international work are financial and human resource constraints. Another major constraint is the absence of a coordinated effort to connect CHRC's work to the long range planning of CIDA and DFAIT. There is no equivalent of the protocol developed among Elections Canada, DFAIT and CIDA to clarify and guarantee predictable roles and responsibilities for implementation, financing, and policy development. The third constraint is the very slender knowledge base regarding actual or potential Canadian capacities to plan a systematic approach to the task of supporting fledgling national human rights institutions worldwide.

At a minimum, CHRC will benefit from developing a "capacity map" of the resources available in Canada. This fact-finding exercise should then lead to the creation of an "experts roster" of both Canadian and international resources. CHRC is also well placed to establish training activities for Canadian personnel and institutions active in this field. Finally, CHRC should work with CIDA to monitor the effectiveness of its interventions in the context of results-based management principles and Canada's wider foreign policy objectives in specific countries.

In the meantime, senior CHRC staff speak of the agency as "flying by the seat of its pants" regarding its international activities. Officials convey a sense of discomfort regarding the Commission's current capacity to manage projects and develop long-range strategies. CHRC appears to have exclusive managerial responsibility as a delivery agent solely for internships and exchanges. These are "boutique" projects rarely in excess of CAD 100,000 but which are nevertheless administratively time consuming. Frustrations have also been expressed in dealing with CIDA, which in the early days was sceptical of the principle of state-funded national human rights institutions. While that roadblock has been cleared, CHRC cannot access significant or predictable CIDA funding to upgrade its activities. CIDA is not set up to fund the modest or small financing requirements of many of CHRC's projects.

An exception is the India project which has a CAD 1.6 million budget. CHRC is the conduit to disburse funds for the implementation of this project to four Canadian institutions, the provincial human rights commissions of Quebec and Ontario, the Canadian Human Rights Foundation and the University of Ottawa Human Rights Education Centre. The India project is the most complex and ambitious of CHRC's activities to date. It will address three sets of issues: human rights training, police accountability, and child labour.

It should be noted that ICHRDD heard similar arguments from CIDA when it tried to access CIDA funds under Ed Broadbent's leadership. It is unlikely, however, that CHRC is able to develop a cost-recovery capacity or source funds from its general budget for international work. While officially described by CIDA as the executing agency, in many respects CHRC is merely a post box or conduit for institutional linkages between Canada and a partner country. It is thus not clear what technical value CHRC adds to the design, implementation or monitoring of these projects.

THE LESTER B. PEARSON CANADIAN INTERNATIONAL PEACEKEEPING TRAINING CENTRE (PPC)

Organizational Mission. The Pearson Centre's mission is to support and enhance the Canadian contribution to international peace, security and stability. The Centre conducts research and provides advanced training and educational programs. The Centre is an independent organization established by the Government of Canada in 1994 as a division of the Canadian Institute of Strategic Studies. The Centre is funded in part by the Departments of Foreign Affairs and National Defence. The enabling legislation for PPC was the 1994 budget.

Now in its second year, PPC offers an annual nine day human rights summer program for peacekeeping professionals. The "directing staff" comprise three experienced human rights professionals who have extensive field experience in conflict zones. Entitled "Free and Equal: Human Rights in Modern Peacekeeping" the course is an essential part of PPC's training activities for Canadian and international members of the Peacekeeping Partnership, the term applied to the military, government, and NGO actors in a complex humanitarian emergencies.

The training course is grounded in the recognition that "human rights violations lie at the core of most modern conflicts." The program is premised on the need to provide all participants in a modern peacekeeping operation with a thorough grounding in human rights principles and practices in order to succeed. The course provides an immersion in international human rights standards and best field practices. Peacekeepers from all disciplines -- military, police, humanitarian -- must understand how human rights issues affect their work, how to seek information and how to work together in investigations, training programmes and interventions with local authorities.

The course consists of three phases or "series." The general series puts human rights into the modern peacekeeping environment, with an emphasis on how rights abuses or safeguards affect peacekeeping operations. It looks at the laws of war and international human rights machinery. The field partners series examines the human rights roles of each member of the Peacekeeping Partnership. The skills series looks at how best to monitor and report on human rights violations. Issues covered include the use of interpreters, report writing and negotiation and interventions with local authorities.

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

Organizational Mission. CIDA has emerged as a primary mechanism in the implementation of Canadian human rights policies towards developing countries and Central and Eastern Europe. In recognition of the growing portfolio of direct programming in the overlapping fields of human rights, democratic development and good governance, in November 1995 CIDA produced a policy framework on human rights, democratization and good governance.

Scope of International Human Rights. Human rights have a wide scope in CIDA; they are intimately related to a complex of issues extending from the effectiveness and accountability of government institutions to the ability of civil society organizations to hold governments more accountable. The Government states that: "With respect to the development cooperation program administered by CIDA, the Government's policy is to enhance the will and capacity of developing country societies to respect the rights of children, women and men, and to govern effectively and in a democratic manner."

CIDA human rights, democratization and good governance policy has five specific objectives, which are to strengthen:

- the role and capacity of civil society and increase popular participation in decision-making;
- democratic institutions that development and sustain responsible government;
- the competence of the public sector to promote effective, honest and accountable exercise of power;
- the institutional capacities of human rights organizations;
- the will of the leaders to respect rights, rule democratically and govern effectively.

To implement these objectives, CIDA draws on a range of approaches, including policy dialogue, programming, and responding to extreme situations by reducing, suspending or modifying its aid delivery.

Programmes. During 1995/1996 there was a substantial increase in the numbers of human rights and democracy projects. Disbursements to 426 active human rights and democracy projects reached CAD 47 million, while new commitments to a further 279 projects were valued at CAD 66 million. This increase is remarkable at a time of reductions in government program budgets and administrative cuts. It reflects both the high priority of human rights in the government's foreign policy objectives and growing demand from developing countries.

The 1995/96 total of CAD 47 million represents a 25% increase over disbursements in the previous fiscal year in CIDA's support of human rights and democracy. However, in CIDA's view, even this increase does not capture the full extent of the Agency's support for rights and democracy since it does not include support for the human rights work of Canadian NGOs and multilateral institutions supported by CIDA. Nor does it include support for initiatives that indirectly support human rights (although CIDA neglects to outline what indirect support might look like).

The geographic distribution of this direct support is revealing. Asia and Central and Eastern Europe each accounted for only 5% of total support. Nevertheless, the increased level of activity in Asia Branch is quite marked, with disbursements rising from $1.9 million in 1994/95 to $15 million in 1995/96. Africa/Middle East accounted for 31% of total disbursements in 1995, Multilateral for 23%, Americas branch for 18%. While it is not useful to place too much weight on volume of funding alone, given the Government's increasing focus on enhancing bilateral relations with a number of emerging Asian economies and the Foreign Affairs Ministers claim that human rights are a "threshold issue in bilateral relations, it is somewhat surprising not to see new activism also reflected in the breadth and volume of human rights programming in the region. While CIDA has for several years had a governance specialist for South East Asia there was until very recently no such equivalent for South Asia.

Nevertheless, the signs are that disbursements on human rights and democracy programming will increase in the coming years, despite reductions in the overall ODA budget. This is because the annual rate of approvals in 1995/96 exceeded the annual rate of disbursements by 43%.

While CIDA continues to respond to urgent situations, the emphasis is shifting to the longer term. Some of the principal recipients of CIDA's human rights and democracy programming are transitions from conflict or authoritarian rule towards reconstruction and democratic development. What began as short-term responses to humanitarian crises have been supplanted by longer term strategies to promote institutional development, rebuild justice systems and strengthen civil societies. In 1995/96, CIDA disbursed approximately 27 per cent of its human rights and democracy funds to five countries in transition. These are Rwanda (12.6%), Haiti (11.3%), South Africa (4%), Guatemala (2.1%), and El Salvador (1.6%).

Specific CIDA supports include funding for the truth commission in Haiti and its Guatemalan counterpart, the Orwellian-sounding Commission for Historical Clarification. In South Africa, the emphasis of CIDA programming has shifted from extensive support of civil society organizations to good governance projects that reflect Canada's re-establishment of full country-to-country bilateral relations. Canada has supported two pre-requisites for South Africa's future stability, namely the finalization of an interim constitution and the restructuring of government institutions at the federal, provincial and local levels. The objectives of this technical assistance include enhancing transparency as well as effectiveness and efficiency. The similarities between the two federal parliamentary systems has given CIDA a comparative advantage in supporting

constitutional reviews, support to central agencies at the federal level, and training at the judiciary and parliamentary levels.

A good example of CIDA's engagement in the knowledge- and capacity-building aspects of human rights and good governance is the Canada-ASEAN Governance Innovation Network (CAGIN). In this instance, CIDA has partnered with the Institute on Governance to examine emerging innovations and best practices to promote "institutions, processes and traditions which define how power is exercised; how decisions are made; and how citizens have their say." The International Conference on Governance Innovations, held in Manila in October 1996, was a milestone in the evolution of this network.[4] The heart of the network is sharing lessons on good governance practices and enhancing dialogue and collaboration among business, citizen groups and public services. Examples include a Bangalore-based NGO that has developed a "report card" approach to making local government institutions more accountable and responsive to the communities they serve. Other members of the network are addressing corruption, municipal governance, and public service leadership.

Finally, CIDA is co-responsible with DFAIT for the Canadian Peacebuilding Initiative and manages the Peacebuilding Fund. CIDA officials underline that the Fund is not for human rights programming, a stance at odds with DFAIT's general approach to strengthening the human rights monitoring system through the Canadian Peacebuilding Initiative.

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[4] See Suzanne Taschereau and Jose Edgardo L. Campos, *Building Government-Citizen-Business Partnerships*. Institute on Governance, 1997.

DEPARTMENT OF NATIONAL DEFENCE

Organizational Mission. The mission of the Department of National Defence (DND) and the Canadian forces is to defend Canada and Canadian interests and values while contributing to international peace and security.[2] The international strategic context for DND's mission is an appreciation that the global security environment continues to be unstable and unpredictable. As a defence planning guidance puts it: "in an unstable world, Canadian interests and values continue to be threatened by transgressions of international law and order, a disregard of the international community's decisions, human rights violations and the disruption of foreign trade."[3]

Beyond defence priorities, Canadian involvement in multilateral missions have evolved from traditional peacekeeping to so-called second generation actions that include a significant non-military dimension, such as post-conflict rehabilitation, humanitarian assistance, conflict mediation and resolution, and human rights.

Scope of International Human Rights. Senior DND officials underscore that while DND is actively engaged in peacekeeping duties, human rights issues are not part of the core mission of the organization. While DND personnel are imbued with Canadian and liberal values, such as tolerance and respect for diversity, they are the "wrong people" to do "good works."

Nevertheless, there are three ways in which DND personnel take account of international human rights. These are in its training programmes, as ad hoc "supports" to civilian human rights monitors in zones of conflict, and in direct observance of human rights atrocities and transmission of this intelligence as a byproduct of their peacekeeping duties.

Training. Canadian troops receive two types of training: combat training and peacekeeping and other forms of non-traditional training. As well, mission-specific training is available before troops are deployed in the filed. The content of this mission-specific training varies with the issue at hand and the requirements and decisions of mission commanders. Given the growing need for Canadian military competence in the non-traditional aspects of peacekeeping, there is a strong case to be made for enhancing non-traditional military training, including in human rights[4]

DND officials state that human rights awareness is included in the general military training and in mission specific pre-deployment training. The Peace Support Training Centre at CFB Kingston provides pre-deployment training to military personnel. However, this appears to focus on knowledge

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[2] This description is taken verbatim from Defence Planning Guidance 1998.

[3] Ibid.

[4] See Paul LaRose-Edwards, Jack Dangerfield and Randy Weekes, Non Traditional Military Training for Canadian Peacekeepers. A Study Prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, December 1995.

regarding the overall political and cultural environment in the theatre of operations rather than human rights per se. Reportedly, because of the decentralized training of Canadian forces, specific mission-related human rights training is more ad hoc and is a decision taken by mission leaders alone. This training assists troops to "be vigilant, to observe, take actions and to report." There is no requirement to train officers or other ranks in human rights before deployment. One external review of Canadian military training concluded that:

> there is no direct peacekeeping training at the basic level, very little training at the individual level, and almost none in the generic annual training cycles of the units. [Peacekeeping training] is concentrated in the 90-day pre-deployment training period of a unit warned of a UN mission.

Early warning. Human rights abuses are one of the best "early warning" predictors of impending violent conflicts.[5] Similarly, the status of minority or group rights, such as the use of languages, discrimination in access to public sector employment or education is a useful marker of protracted social conflicts that could escalate into violence. Multilateral responses to the Eastern Zaire crisis (Operation Assurance) underscores the importance of good intelligence given the fluidity of the situation on the ground. [6] Human rights should be part of that intelligence system.

Thus, a second area in which Canadian forces personnel could play a human rights role is in early warning situations. The focus should be on clear violations of core rights, such as freedom from extra-judicial killings, torture, freedom of association, freedom of movement, freedom from arbitrary arrest and disappearances. In their course of their work, Canadian military have and seen and should report all such abuses. This capacity may be more likely to be engaged in a post-conflict phase when monitoring is required to signal any warnings of the victimization of certain groups and a return to open armed conflict. Canadian military staff seconded to UN operations as military advisors - the so-called UNMOs - could also perform a valuable human rights monitoring function since they are unarmed, deployed in a multilateral mission, are tasked to build knowledge networks and contacts with authority structures, and are able to assess trends because they typically serve in this capacity for about one year.

Advice and Support. The Canadian military can and does play a supportive role in assisting human rights monitors or investigation teams. An example of this role was the support of Canadian armed forces advisors to members of the European Commission team investigating human rights abuses during the armed conflict stage of the break-up of the former Yugoslavia. Older, more mature officers, often with previous experience of UN peacekeeping missions, are best suited to play this

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[5] See, for example, John G. Cockell, "Towards Response-Oriented Early Warning Analysis: Policy and Operational Considerations," Paper Presented at the Conference on "Synergy in Early Warning," Toronto, 1997.

[6] See James Appathurai and Ralph Lysyshyn, "Lessons from the Zaire Mission," Unpublished paper, 1997.

role. Such persons are identified on the basis of the judgement of commanding officers.

The kinds of assistance provided by the military to human rights monitors in conflict situations include: protection of monitors, mediation among belligerents; ensuring safe access to witnesses or to military factions; and providing transport and communications back-up. Military personnel are more likely to be able to gain the trust of armed factions than civilian monitoring teams.

DND officials also observed that military staff may in some respect be more qualified and accessible for duty than civilian counterparts in any rapid reaction "human rights roster." DND employs lawyers expert in the laws of war and medical doctors and surgeons that can be directed to assist monitoring missions at fairly short notice.

DND is ready to assist in the implementation of the Peacebuilding Initiative but appears to not to have been actively involved in the strategic directions of the Initiative which was announced by the Minister of Foreign Affairs in 1996. DND officials are in daily contact with the International Peacekeeping and Regional Security (IDC) staff at DFAIT and a DND staff person is located in IDC as a liaison. There appears to be less day-to-day collaboration with the Peacebuilding unit at DFAIT. DND staff are waiting for the operational content of the Initiative to materialize and are willing to contribute to the policy development and programme designs for this important Canadian effort.

DND acknowledges that "modern-day peacekeeping missions are multifaceted, with equally pressing demands in the humanitarian, military, civilian and political arenas all requiring resources and attention."[7] Moreover Canadian military peacekeeping operations can no longer be viewed in isolation but rather as an integral part of an operation that encompasses peacemaking, peace enforcement, and peace building.

Conclusion. Human rights are part of the equation of a larger landscape of military actions in humanitarian emergencies. And there is potential for DND to develop a systematic mechanism to support multilateral or civilian human rights monitoring teams in zones of armed conflict as a regular dimension of Canadian military actions during and after humanitarian emergencies. The tools, both in terms of training and developing expertise do currently exist. DND is not likely to strengthen any capacity to play a role in human rights monitoring unless it is stated as a requirement by the Government of Canada. Arguably, there is less scope for DND personnel to play an proactive role as human rights monitors for an early warning system. However, DND staff may be able to provide additional human rights information to Canada's integrated intelligence community on the premise that human rights trends and abuses are among the best predictors of an impending humanitarian crisis. DND is ready to play a part in the Peacebuilding Initiative but senior staff point to a lack of clarity in the basic definition of Peacebuilding and to date a lack of integration between the basic conceptual approaches and the operational implementation.

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[7] Speech by Minister of Defence, Government of Canada to the "High Level Seminar on Lessons Learned in Peacekeeping," New York, 17 November 1997.

CANADEM - Canadian Resource Bank for Democracy and Human Rights

Organizational Mission. Funded by the Department of Foreign Affairs as part of Canada's Peacebuilding Initiative, CANADEM came into being in 1997. It is administered outside DFAIT as a neutral mechanism independent of government to engage Canadian civil society.

CANADEM was announced by Foreign Affairs Minister, Lloyd Axworthy to the UN General Assembly in October 1996. A key premise of CANADEM is that Canadian civilian experts on UN operations are an extension of Canadian foreign policy objectives and therefore merit core funding. Current funding is CAD 350,000 per annum. Its mandate is to develop and manage a resource data base of skilled Canadians with human rights expertise and to propose Canadian candidates to national or international field operations in the area of human rights. Examples of such operations include the UN Human Rights Field Operation in Rwanda. When the UN or another organizations needs such expertise, they would contact CANADEM, which would act as a matchmaker between individual Canadians and the UN or others. It is anticipated that many individuals that register with CANADEM will be staff with Canadian NGOs, but will be able to arrange for leaves of absence from their respective organizations.

The CANADEM data base will consist of two data sets. The first is a general and larger list of Canadians with interest or experience in human rights and democracy. These individuals will be encouraged to enhance their skills with assistance in training, courses etc. A smaller roster of experts will be drawn from the resource bank. It is anticipated that the roster will grow to about 300 individuals who will be available on standby. These individuals will be selected through an exhaustive evaluation procedure.

Scope of International Human Rights. CANADEM has a sweeping scope regarding the field of human rights and also includes democracy/peacebuilding contexts, early warning as well as the armed conflict phase of a humanitarian emergency. At both a conceptual and operational level, the rationale and role of a standby mechanism is better articulated for early warning and humanitarian emergencies than it is for posit-conflict reconstruction and democracy. The failure of the international community and deployed multilateral military forces to pay adequate attention to human rights abuses prior to the most acute phase of the Rwanda crisis of April 1994 is a primary rationale for the developing this civilian stand-by mechanism. CANADEM appears to be similar in form and purpose to the Norwegian NGO model, NORDEM, from which it may owe its intellectual genesis.

A human rights rapid reaction operation could have influenced the actions taken by the ruling elite, by some of the government forces and the Rwandan Patriotic Front, by the populace at large and by UN negotiators and military. Adequate monitoring by a human rights field operation could also have assisted in tackling the plight of internally displaced populations and refugees. In addition to political constraints, the UN's ability to respond rapidly to the human rights situation

in Rwanda also stemmed from an ability to quickly identify and deploy human rights experts.[13]

[13] These observations are from an unpublished paper by CANADEM's director, Paul LaRose-Edwards.

LIST OF PERSONS INTERVIEWED

Canadian Heritage
Ms. Deborah Young

Department of Justice:
Ms. Oonagh E. Fitzgerald, Director and General Counsel, International Law and Activities

Human Resources Development Canada
Ms. Tineke Kuijper, Acting Director, International Affairs Labour Branch

International Development Research Centre:
Ms. Maureen O'Neil, President
Mr. Robert Robertson, Legal Counsel
Ms. Necla Tschirgi, Senior Program Officer

International Centre for Human Rights and Democratic Development
Mr. Warren Allmand, President
Ms. Diana Bronson, Director of Communications

Lester B. Pearson Peacekeeping Centre
Ms. Angela Mackay, Director of Programmes

Canadian Human Rights Commission
Mr. John Dwyer, Policy Advisor

Elections Canada
Mr. Ron Gould, Assistant Chief Electoral Officer

Department of Indian and Northern Affairs
Ms. Marilyn Whitaker, Senior Policy Advisor

Canadian International Development Agency
Mr. Scott Wade, Director, Social Development, Basic Needs, Rights, Democracy & Governance

Department of National Defence
Colonel R. Hatton, Director Peacekeeping Policy

CANADEM
Mr. Paul LaRose Edwards, Director

Additional insights were derived from Michelle Levesque (CIDA) and Sarah-Fountain Smith (DFAIT), Steve Moffat (DND) and Adele Dion (DFAIT).